

MINUTE ENTRY

1:45 p.m.

U.S.A. -v- RAYMOND TUDELA DUENAS

PRESENT: HON. ALEX R. MUNSON, JUDGE PRESIDING
K. LYNN LEMIEUX, COURTROOM DEPUTY
SANAE N. SHMULL, COURT REPORTER
PATRICK SMITH, ASSISTANT U.S. ATTORNEY
RAYMOND TUDELA DUENAS, DEFENDANT
F. MATTHEW SMITH, ATTORNEY FOR DEFENDANT

PROCEEDINGS: VIOLATION HEARING

Attorney F. Matthew Smith appeared with defendant. Government was represented by Patrick Smith, AUSA. Also present was Margarita Wonenberg, U.S. Probation Officer.

Attorney Matthew Smith stated that the defendant did admit to the violations. Defendant was sworn and examined as to his admission to the violations as stated.

Government offered Exhibit #1 - Defendant's Statement - into the record. Government moved that the defendant's liberty be revoked and that he be sent back to prison for the maximum time allowed (two years). Defense argued for sentencing at the low-end of the guidelines (one year).

Court, after hearing all testimony and exhibits, and revoked the defendant's liberty and sentenced the defendant to two years imprisonment and two years supervised release after release with the following conditions:

1. That the defendant shall not commit another federal, state, or local crime;
2. That the defendant shall not unlawfully use, administer, or possess a controlled substance and shall submit to one urinalysis after release from prison, and to two more thereafter not to exceed 60 days;
3. That the defendant shall comply with the standard conditions of supervised release under the direction of the United State Probation Office;
4. That the defendant shall perform 200 hours of community service in addition to any unsatisfied hours previously ordered;
5. That the defendant shall continue fine payments as determined by the probation officer.

Defendant was advised that he had ten days in which to appeal the sentence and that if he could not afford counsel that counsel would be appointed to him.

Government moved for a remand of the defendant. No objection by the Defense. Court so ordered. Defendant was remanded into the custody of the U.S. Marshal.

Adj. 2:15 p.m.

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Applies to: DFT Raymond Duenas Tudela [TTP EOD 11/12/2004]